

AN ACT

relating to the disposition of confiscated game, animal parts, and animal products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 12.109(b) and (d), Parks and Wildlife Code, are amended to read as follows:

(b) The confiscated aquatic products shall be sold to the highest of three bidders. The proceeds of the sale shall be deposited in the state treasury to the credit of the appropriate suspense fund ~~[account No. 900]~~ pending the outcome of the action taken against the person charged with illegal possession. The officer shall give to the person a receipt for all aquatic products seized upon the sale of the aquatic products. If bids cannot be obtained, the department, if practicable, shall donate the aquatic products to a charitable institution, hospital, or other person. To the extent practicable, Subtitle A, Title 6, Health and Safety Code, applies to an aquatic product sold under this subsection that is intended for sale and use as human food.

(d) If ~~Unless~~ the person is found guilty, pleads guilty or nolo contendere, ~~[or]~~ is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense, all the proceeds shall be transferred to the credit of the

1 game, fish, and water safety account. If the person is acquitted by
2 the trial court, the charges against the person are dismissed, or
3 the statute of limitations period for the prosecution of the
4 offense has expired, the department shall pay the proceeds of the
5 sale to the person from whom ~~[paid to the owner of]~~ the aquatic
6 products were seized.

7 SECTION 2. Section 12.110(d), Parks and Wildlife Code, is
8 amended to read as follows:

9 (d) The department may sell confiscated live game described
10 by Subsection (a) to the highest of three bidders. At the time of a
11 sale under this subsection, the department shall provide the buyer
12 a receipt for all game sold to the buyer. The department shall
13 deposit the proceeds of the sale in the state treasury to the credit
14 of the appropriate suspense fund ~~[account 900]~~ pending the outcome
15 of any action against the person charged with an unlawful action
16 described by Subsection (a). If that person is found guilty, pleads
17 guilty or nolo contendere, ~~[or]~~ is placed on deferred adjudication,
18 or fails to appear in accordance with a notice described by Section
19 12.106 or another law requiring that, as a condition of release, the
20 defendant subsequently appear before a court to answer for the
21 offense, the department shall transfer ~~[deposit]~~ the proceeds of
22 the sale to the credit of ~~[into]~~ the game, fish, and water safety
23 account. If the person is acquitted by the trial court, the charges
24 against the person are dismissed, or the statute of limitations
25 period for the prosecution of the offense has expired ~~[found not~~
26 ~~guilty]~~, the department shall pay the proceeds of the sale to the
27 person from whom the game was seized.

SECTION 3. Section 12.1101, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.1101. SEIZURE AND DISPOSAL OF CERTAIN ANIMALS' PELTS AND CARCASSES. (a) A game warden or authorized employee of the department may seize a ~~[the pelt of any]~~ fur-bearing animal, pelt, or carcass taken or possessed in violation of a provision of this code or a lawful regulation of the commission. ~~[If an alleged violator is charged with a violation of a provision of this code or of a regulation of the commission in connection with the pelt seized, the warden or employee shall hold the pelt as evidence. On conviction of the alleged violator or on his plea of nolo contendere, the pelts may be sold to the highest bidder after taking the minimum of three written bids by the department. If the alleged violator is not guilty of the offense or if the charge is dismissed the pelts shall be returned to their lawful owner.]~~

(b) The department may sell a confiscated fur-bearing animal, pelt, or carcass to the highest of three bidders. At the time of a sale under this subsection, the department shall provide the buyer a receipt for all fur-bearing animals, pelts, or carcasses sold to the buyer. The department shall deposit the proceeds of the sale in the state treasury to the credit of the appropriate suspense fund pending the outcome of any action against the person charged with an unlawful action described by Subsection (a). If that person is found guilty, pleads guilty or nolo contendere, is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant

subsequently appear before a court to answer for the offense, the department shall transfer the proceeds of the sale to the credit of the game, fish, and water safety account. If the person is acquitted by the trial court, the charges against the person are dismissed, or the statute of limitations period for the prosecution of the offense has expired, the department shall pay the proceeds of the sale to the person from whom the items were seized.

(c) A game warden or authorized employee of the department acting under the authority of this section is immune from liability and from suit for the seizure of items under this section ~~[pelts]~~.

(d) To the extent practicable, Subtitle A, Title 6, Health and Safety Code, applies to an animal or animal part sold under this section that is intended for sale and use as human food.

SECTION 4. Section 65.009, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) If a person from whom an item described by Subsection (a) was seized is found guilty, pleads guilty or nolo contendere, is placed on deferred adjudication, or fails to appear in accordance with a notice described by Section 12.106 or another law requiring that, as a condition of release, the defendant subsequently appear before a court to answer for the offense ~~[On conviction of a violation, on a plea of nolo contendere, or on assessment of deferred adjudication in connection with an alligator, alligator hide, alligator egg, or alligator part seized under this section]~~, the department shall transfer the proceeds of the sale from the suspense fund to the credit of the game, fish, and water safety

1 account [fund]. If the person is acquitted by the trial court, the
2 charges against the person are dismissed, or the statute of
3 limitations period for the prosecution of the offense has expired,
4 the department shall pay the proceeds of the sale to the person from
5 whom the items were seized.

6 (e) To the extent practicable, Subtitle A, Title 6, Health
7 and Safety Code, applies to an animal or animal part sold under this
8 section that is intended for sale and use as human food.

9 SECTION 5. Section 65.009(c), Parks and Wildlife Code, is
10 repealed.

11 SECTION 6. (a) The changes in law made by this Act apply
12 only to items seized by the Parks and Wildlife Department on or
13 after the effective date of this Act. Items seized before the
14 effective date of this Act are covered by the law in effect on the
15 date of the seizure, and the former law is continued in effect for
16 that purpose.

17 (b) The changes in law made by this Act apply to funds under
18 the control of the Parks and Wildlife Department on and after the
19 effective date of this Act acquired by the sale of seized items
20 under Sections 12.109, 12.110, 12.1101, and 65.009, Parks and
21 Wildlife Code, regardless of whether those items were seized
22 before, on, or after the effective date of this Act.

23 SECTION 7. This Act takes effect September 1, 2013.

H.B. No. 1818

President of the Senate

Speaker of the House

I certify that H.B. No. 1818 was passed by the House on April 18, 2013, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1818 on May 16, 2013, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1818 was passed by the Senate, with amendments, on May 15, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor